

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEBORAH D. PETERSON, *et al.*,

Plaintiffs,

v.

Case No. 13-cv-9195 (LAP)

ISLAMIC REPUBLIC OF IRAN; BANK
MARKAZI a/k/a CENTRAL BANK OF
IRAN; BANCA UBAE SpA;
CLEARSTREAM BANKING, S.A.; and
JP MORGAN CHASE BANK, N.A.,

Defendants.

DECLARATION OF LAURE-HÉLÈNE GAICIO-FIEVEZ

LAURE-HÉLÈNE GAICIO-FIEVEZ declares as follows pursuant to 28 U.S.C. § 1746:

1. I am a partner and *avocat à la cour* at the law firm Bonn Steichen & Partners S.C.S. in Howald, Luxembourg. Our firm represents Bank Markazi in various proceedings in the Luxembourg courts, including proceedings relating to the same assets at issue in these New York proceedings. I provide this declaration to authenticate certain Luxembourg court decisions and to report on the status of certain proceedings in Luxembourg.

2. Attached as Exhibit A is a copy of the April 1, 2020 decision of the Luxembourg Court of Appeal vacating the January 14, 2016, attachment obtained by a group of 102 plaintiffs including Tara Bane and Fiona Havlish, along with an English translation thereof. A proceeding before the Supreme Court has been initiated by the plaintiffs seeking review of this decision. This proceeding is still pending.

3. Attached as Exhibit B is a copy of the July 10, 2019 decision of the Luxembourg Court of Appeal affirming the vacatur of the March 22, 2017 attachment obtained by plaintiff Stephen Flatow, along with an English translation thereof.

4. Attached as Exhibit C is a copy of the July 10, 2019 decision of the Luxembourg Court of Appeal affirming the vacatur of the March 22, 2017 attachment obtained by plaintiffs Arline Duker and Leonard Eisenfeld, along with an English translation thereof.

5. Attached as Exhibit D is a copy of the June 30, 2020 decision of the Luxembourg District Court vacating the December 18, 2019 attachment obtained by plaintiff Stephen Flatow, along with an English translation thereof. This decision is currently under appeal.

6. Attached as Exhibit E is a copy of the May 13, 2020 decision of the Luxembourg District Court vacating the March 27, 2020 attachment obtained by a group of 201 plaintiffs including Alice Hoglan, along with an English translation thereof. The English translation omits the portion of the decision that reproduces the underlying petition. This decision is currently under appeal.

7. Attached as Exhibit F is the March 27, 2019 decision of the Luxembourg District Court dismissing the March 22, 2016 action brought by a group of 102 plaintiffs including Tara Bane and Fiona Havlish seeking recognition of a judgment they obtained in the United States against the Iranian government and various Iranian entities, including Bank Markazi, along with an English translation thereof. The English translation omits certain portions of the decision pertaining to defendants other than Bank Markazi. This decision is currently under appeal.

8. In March 2020, Bank Markazi brought a declaratory action against Clearstream in Luxembourg District Court. That declaratory action sought an order prohibiting Clearstream from complying with an order directing it to transfer the Luxembourg assets to the United States

without first obtaining recognition of that order in Luxembourg. That first declaratory action related only to the *Peterson* proceedings.

9. After learning that the *Havlish* and *Hoglan* plaintiffs had obtained their own writs of execution against the same assets, Bank Markazi brought a second declaratory action in June 2020, which was similar to the first one but applied to other plaintiffs as well. Bank Markazi has also previously sought provisional relief in connection with the declaratory actions.

10. A hearing on the merits in the declaratory actions is currently scheduled for November 2020. Bank Markazi anticipates that a decision on the merits would be handed down only sometime after that.

11. Paragraph 104 of Mr. Vogel's declaration in the New York proceedings refers to a different action that Bank Markazi filed against Clearstream and UBAE in January 2018. That proceeding is an action for restitution seeking a judgment directing Clearstream and UBAE to return the assets at issue to Bank Markazi. Bank Markazi's restitution action is wholly separate from the declaratory actions. The restitution action is advancing at a much slower pace. The case is still in the briefing phase, and no hearing on the merits has been scheduled yet. We currently anticipate that a hearing on the merits will not occur until late 2021 or sometime in 2022, with a decision sometime after the hearing.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: September 9, 2020
Howald, Luxembourg



Laure-Hélène Gaicio-Fievez